

FLOOD CONTROL - STORM DRAINAGE ORDINANCE

TITLE VII

FLOOD CONTROL AND STORM DRAINAGE ORDINANCE

- Chapter 1. Reserve Fund For Flood Control and Storm Drainage Systems
- Chapter 2. Department of Storm Drainage and Flood Control
- Chapter 3. Use of Flood Control Facilities

AN ORDINANCE PERTAINING TO FLOOD CONTROL AND STORM DRAINAGE: ESTABLISHING THE LOCATION AND SIZES OF STORM DRAIN PIPELINES TO CONVEY NATURAL STORM DRAINAGE WATERS AND TO PROTECT PROPERTY FROM FLOODING.

The Board of County Commissioners of the County of Salt Lake ordains as follows:

1. That it is in the best interest of the citizens of Salt Lake County and necessary to preserve their health, welfare, and safety, and to prevent flooding of their property and consequent damage thereto that a storm drain pipeline be installed in the county to carry surface runoff and natural drainage waters from the Chesterfield-Keams area to the Jordan River. This storm drain pipeline is to be part of the over-all plan of Salt Lake County to prevent flooding and to preserve property values.
2. The Board of County Commissioners hereby specifically finds that it is in the best interest of said citizens and necessary to prevent the recurrence of water damage sustained by Salt Lake County in past years that the said storm drain pipeline be installed as rapidly as possible. Said Board is of the opinion that any unnecessary delay will result in an added danger of flooding to the citizens of the County and to their property; and to this end and to prevent any further delay the Board does hereby declare its intention to proceed immediately with the construction and installation of said storm drain according to the plans and specifications.
3. The plans and specifications for said storm drain pipelines are those designed by the engineers, to-wit: Morrison, Maierle & Preator, Inc. for Phase No. 1 of said pipeline and Coon, King & Knowlton for Phase No. 2 of said pipeline. These plans and specifications are by reference incorporated herein and made a part hereof at this time.
4. A general description of the location of said pipelines and the sizes of the pipelines; the right-of-ways required and a map showing the general location of said pipeline are attached to this Ordinance as Exhibits "1" and "2" and by reference incorporated herein and made a part hereof at this time.
5. This ordinance is enacted pursuant to Section 17-8-5 Utah Code Annotated, 1953, and pursuant to such other powers as are vested by law in said Board.

Chapter 1

RESERVE FUND FOR FLOOD CONTROL
AND STORM DRAINAGE SYSTEMS

Sections:

- 7-1-1. Purpose
- 7-1-2. Appropriation of Funds
- 7-1-3. Authorized Uses of Funds
- 7-1-4. Transfer to Fund of Unencumbered Surplus
- 7-1-5. Investment of Reserve Fund
- 7-1-6. Administration of Funds

Sec. 7-1-1. Purpose. It is the purpose of this ordinance to establish in Salt Lake County a reserve fund for flood control and storm drainage systems; to finance emergency flood control projects and a master storm drainage system in order to permanently eradicate or reduce the danger of flood damage to residents of and property within the county. In order to accomplish the above purposes, provision is hereby made for the acquisition of both real and personal property and for the financing of the planning, contracting, installing, repairing or rehabilitating of such works and improvements as may be necessary to prevent damage from flood or storm waters.

Sec. 7-1-2. Appropriation of Funds. The board of county commissioners may appropriate each year such sums as they deem necessary or convenient for the purposes of this title. Money so appropriated shall be allowed to accumulate from year to year until spent for any of the purposes specified in section 7-1-1 and shall not be transferred to any other fund or used for any other purpose.

Sec. 7-1-3. Authorized Uses of Funds. Money appropriated or accumulated pursuant to this title, including all interest and earnings thereon shall be used for the purposes specified in section 7-1-1.

Sec. 7-1-4. Transfer to Fund of Unencumbered Surplus. The board of county commissioners is, by resolution, empowered to transfer to the reserve fund any unencumbered surplus funds remaining on hand in the general fund of the county at the end of any fiscal year.

Sec. 7-1-5. Investment of Reserve Fund. All money in the reserve fund which is not encumbered may be invested in such securities as are legal for the investment of Salt Lake County and all interest or income from such investments, if any, shall be made a part of the reserve fund provided for herein.

7-1-6—7-2-2 FLOOD CONTROL - STORM DRAINAGE ORDINANCE

Sec. 7-1-6. Administration of Funds. Money appropriated or accumulated under the provisions of this ordinance shall be administered by the board of county commissioners and no expenditure or encumbrance of such money shall be made without the approval of the board.

Chapter 2

DEPARTMENT OF STORM DRAINAGE AND FLOOD CONTROL

Sections:

- 7-2-1. Creation of Department of Storm Drainage and Flood Control
- 7-2-2. Director. Creation and Duties

Sec. 7-2-1. Creation of Department of Storm Drainage and Flood Control. There is hereby created a department of storm drainage and flood control within the county, which department shall assist the board of county commissioners in the discharge of its responsibility for the gathering, control and disposal of storm drainage and flood water, for the conservation of such water for beneficial and useful purposes and for the protection of persons, property, public highways, and waterways within the county from damage resulting from such water. The department of storm drainage and flood control shall administer all county ordinances pertaining to drainage, water conservation, flood control, and other related water problems.

Sec. 7-2-2. Director. Creation and Duties. There is hereby created the office of director of the department of storm drainage and flood control. The director shall:

- (1) Recommend the employees and staff necessary to faithfully discharge the duties of the department;
- (2) Attend, at the request of the board of county commissioners, any meetings or conferences dealing with the gathering, control and disposal of storm drainage and flood water within the county;
- (3) Administer the implementation of the master plan for storm drainage and flood control which shall be adopted by the board of county commissioners;
- (4) Make recommendations for the necessary modification or alteration of the master plan for storm drainage and flood control;
- (5) Direct the cleaning and maintenance of natural channels within the county and insure that such channels and other flood control facilities are not obstructed;
- (6) Administer all subdivision ordinances pertaining to storm drainage and flood control and investigate any violation of this code or of state statutes dealing with such matters;

DEPT. OF STORM DRAINAGE & FLOOD CONTROL

7-2-2

- (7) Work with the citizens' advisory committee and other citizen groups to insure proper liaison between such groups and the board of county commissioners;
- (8) Arrange for public hearings for the installation of pipelines or other storm drainage facilities and be prepared to conduct such hearings before the board of county commissioners;
- (9) Prepare rules and regulations for the operation of the department of storm drainage and flood control for the submission to and approval of the board of county commissioners;
- (10) Determine a schedule of storm drainage and flood control projects and the necessary funds to be allocated for such projects and shall coordinate such undertakings with the priorities committee;
- (11) Prepare an annual budget to be submitted to the board of county commissioners for the expenditure of funds derived from the flood control levy.
- (12) Insure that the budget approved by the commission is faithfully administered for flood control purposes.
- (13) Establish a comprehensive set of plans and specifications to be approved by the commission for storm drainage and flood control and have such plans and specifications readily available for public inspection.
- (14) Investigate all claims against the county pertaining to storm drainage and flood control.
- (15) Acquire easements and rights-of-way for storm drainage and flood control facilities and recommend to the commission such condemnation as is required to attain easements or other rights-of-way.
- (16) Recommend contracts for engineering or other professional work which might be required for the construction, installation, maintenance or improvement of any facility for storm drainage and flood control.
- (17) Investigate and make recommendations to the board of county commissioners as to natural channels within the county which should be used for storm drainage and flood control purposes and also as to ditches within the county, insuring that ditches and channels used as storm drainage and flood control facilities are properly maintained and improved.
- (18) Perform such other duties as the board of county commissioners shall require.

7-3-1—7-3-4 FLOOD CONTROL - STORM DRAINAGE ORDINANCE

Chapter 3

USE OF FLOOD CONTROL FACILITIES

Sections:

- 7-3-1. Use of Flood Control Facilities Without Permit
- 7-3-2. Permit Required
- 7-3-3. Exemptions
- 7-3-4. Obstruction of or Damage to Flood Control Facilities
- 7-3-5. Included Facilities
- 7-3-6. Existing Rights
- 7-3-7. Penalty

Sec. 7-3-1. Use of Flood Control Facilities Without Permit. It shall be unlawful for any person, firm, corporation, municipality or district to interfere with, cause damage to, destroy or use for storm drainage or flood control purposes any flood control, storm drainage, or water conservation structure, facility, or appurtenance, or any other property owned, constructed, maintained or controlled by or on behalf of the county, without having first received a written permit from the board of county commissioners. Permits shall be revocable when, in the opinion of the commission, the public interest and welfare so requires.

Sec. 7-3-2. Permit Required. Application for the use of such property shall be made to the director of the department of storm drainage and flood control and shall set forth the particular use desired and the purpose and duration of such requested use. The director shall investigate the application and shall make recommendations concerning the proposed use to the board of county commissioners, which board may impose such terms and conditions as may be necessary to insure the proper maintenance of the property for an appropriate purpose.

Sec. 7-3-3. Exemptions. The provisions of the above sections shall not apply to any entry or use in the course of duty by any peace or police officer or by a duly authorized employee of the county.

Sec. 7-3-4. Obstruction of or Damage to Flood Control Facilities. It shall be unlawful for any person, firm, corporation, municipality or district to place or cause to be placed in the channel, bed or bank of any river, stream, wash or other natural drain in the county or within or upon any flood control channel, reservoir, debris basin, spreading ground or other property over which the county has an easement, fee title or other interest, any wire, fence, building or other structure, or any refuse or other matter of any kind, that may operate to impede, retard or change the normal direction of the flow of flood, storm, or other waters, or that may catch or collect debris carried by such waters, or that may be carried down

stream by such waters to the damage and detriment of adjacent private or public property.

Sec. 7-3-5. Included Facilities. The following natural channels and their tributaries, wherever located in the county, are declared to be part of the storm drainage and flood control project and are included within and subject to the provisions of this chapter relating to such facilities.

- (1) The Jordan River
- (2) Millcreek
- (3) Neffs Canyon Creek
- (4) Big Cottonwood Creek
- (5) Little Cottonwood Creek
- (6) Dry Creek
- (7) Bingham Creek
- (8) Coon Canyon Creek
- (9) Harker's Canyon Creek
- (10) Barney's Creek
- (11) Parley's Canyon Creek
- (12) Willow Creek
- (13) Little Willow Creek
- (14) Big Willow Creek
- (15) Butterfield Canyon Creek
- (16) Midas Creek
- (17) Copper Creek
- (18) Rose Canyon Creek
- (19) Wood Hollow
- (20) Beef Hollow
- (21) Hughes Canyon Creek
- (22) Corner Creek
- (23) Spring Creek from Wasatch Boulevard to Big Cottonwood Creek
- (24) Casto Springs Channel

Sec. 7-3-6. Existing Rights. This ordinance shall not apply to any existing use of natural channels within the county for such beneficial purposes as are approved by the office of the engineer for the State of Utah; nor shall it affect any water rights established by the State Engineer or by any court of competent jurisdiction.

Sec. 7-3-7. Penalty. Any person found violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to the fines and penalties provided in section 5-5-77 UCA-1953. In addition, the department of storm drainage and flood control may, for and on behalf of the county:

(1) Remove any of the obstructions described in section 7-3-4 and, also, any pipelines or other devices installed in violation of section 7-3-1, or

(2) Give written notice to persons in violation of the provisions of this ordinance requiring the removal of offending installations from natural channels or other storm drainage facilities. Notices may be personally served or may be mailed to violators by registered mail provided that a copy is also posted on offending installations for a period of ten days. If such installations are not removed within ten days after notice is complete, the department of storm drainage and flood control may effect such removal at the expense of the person in violation and may recover costs, expenses, and the sum of \$10 for each day after notice was complete that the obstruction remained within the natural channel or other storm drainage facility, or,

(3) If persons dispute or deny the existence of offending installations, or fail or refuse to remove or permit removal, subject such persons to an action for the abatement of the nuisance, provided that in the event that judgment is recovered, in addition to the abatement of the nuisance, the county shall recover its costs for bringing of the action and the sum of \$10 for every day such nuisance remained within the natural channel or other storm drainage facility after the giving of notice for its removal.

Title VII

DRAINAGE OF SUBSURFACE WATER

Section:

- 7-4-1. Written Permission Required
- 7-4-2. Minimum Standards
- 7-4-3. Administration
- 7-4-4. Violation a Misdemeanor — Fines and Penalties

Sec. 7-4-1. Written Permission Required. It shall be unlawful for any person to make any improvements upon their ground where subsurface water exists without obtaining the written permission of the Director of the Department of Storm Drainage and Flood Control for Salt Lake County. This requirement shall include but not be limited to subdividers; persons developing ground for industrial and/or commercial purposes; and homeowners constructing improvements upon their own property.

Sec. 7-4-2. Minimum Standards. Before written permission is issued, the Director of the Department of Storm Drainage and Flood Control for Salt Lake County shall insure that the following minimum standards are maintained.

(1) All persons shall dig test holes upon said properties to a depth sufficient to determine the extent of the subsurface water table in the proposed development to include the depth thereof and any other information regarding same which may be required by Salt Lake County.

(2) All footing shall be at least two feet (2') above the highest water table elevations; and the type of house construction or other development shall be governed by this standard.

(3) In areas where soil conservation maps indicate high water tables and in all other questionable areas that might be designated as high water tables by the Director of the Department of Storm Drainage and Flood Control no building permits will be issued without water table inspection during high water table season.

(4) All applications must supply data as to water table elevations.

(5) The land developer shall provide drainage easements to Salt Lake County along all rear, side and front lot lines for drainage purposes; the size of the said easement shall be determined by the Director of the Department of Storm Drainage and Flood Control and shall in all events be a minimum of seven feet (7'). The said Director shall recommend whether the drainage easement shall be separate from other utility easements or shall be used concurrently with said easements.

(6) All grading of any kind shall be done so as to insure that the drainage is away from the proposed improvements and in such a manner

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7-4-3—7-4-4 FLOOD CONTROL - STORM DRAINAGE ORDINANCE

as to prevent any conveying or trapping of water adjacent to the basement and foundation walls of the said improvement.

Sec. 7-4-3. Administration. The administration of this Ordinance will be the responsibility of the Director of the Department of Storm Drainage and Flood Control and his approval will be a condition precedent to the issuance of any building permit. It will be the duty of the said Director to investigate the standards set forth above together with any and all other standards which may be included in the future pertaining to drainage of subsurface waters and to recommend in writing to the Board of County Commissioners whether the proposed improvements should be allowed upon the said properties and shall further recommend any additional requirements which he believes to be in the best interests of Salt Lake County to insure that there is no damage to persons or property within the area of the proposed improvement. Such recommendations might include the use of subdrains to lower the water table or other methods which the said Director believes would be in the best interest of the residents of the County—said residents to include both those in the area at the present time as well as others who may be in this area at some time in the future.

Sec. 7-4-4. Violation a Misdemeanor — Fines and Penalties. Any person found violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be subject to the fines and penalties provided in Section 17-5-77 Utah Code Annotated—1953 as amended. In addition, the building inspector of Salt Lake County is hereby given authority to revoke any building permits and/or certificate of occupancy pertaining to said property where the proposed improvement is to take place; and to withhold said permits and/or certificates until the applicant shall comply with the provisions of this chapter.

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